

MINUTE ITEM

21. PROPOSED ESTABLISHMENT OF NAVAL RESTRICTED AREA, POINT SAL TO POINT CONCEPTION, SANTA BARBARA COUNTY - W.O. 3252.

The attached Supplemental Calendar Item 17 was presented to the Commission for information.

Attachment

Supplemental Calendar Item 17
(3 pages)

CALENDAR ITEM

SUPPLEMENTAL

17.

PROPOSED ESTABLISHMENT OF NAVAL RESTRICTED AREA, POINT SAL TO POINT CONCEPTION, SANTA BARBARA COUNTY - W.O. 3252.

On March 30, 1959, the U. S. Army Engineers District, Los Angeles, Corps of Engineers, issued a public notice of the intention of the Commandant, Eleventh Naval District, San Diego, California, to establish a naval restricted area closed to all nonmilitary navigation, extending three miles from the coast line between Point Sal and Point Conception, Santa Barbara County. The basis for this restriction was reported as a statement by the Commandant that this action was necessary to carry out the mission of the Pacific Missile Range and to preclude delays in missile launchings by reducing the opportunities of observation of missile preparation by observers at sea and by interference from curiosity seekers in motor boats and commercial fishermen. Included in this notice was a request by the Corps of Engineers to have all interested parties review the proposal and inform their office, in writing, on or before April 30, 1959, of any objections to the proposal. At the direction of the Chairman of the State Lands Commission, a statement of objections, based upon the contemplated prohibition of oil and gas exploration and development, was filed on April 27, 1959, with the U. S. Army Engineers District, Los Angeles. In this transmittal it was suggested that consideration of adoption of restrictive regulations pertaining to operations in the coastal areas between Point Sal and Point Conception be withheld until the affected State agencies could review the bases for a mutually satisfactory operating program with the Commandant of the Eleventh Naval District.

The Corps of Engineers held an informal conference on the matter on May 18, 1959. Following staff presentation of an outline of the State Lands Commission's problems which would result from the proposed closure, Navy representatives at the conference agreed that these problems had not been given any prior consideration. The Corps of Engineers' representative emphasized that the meeting was an informal conference, not a hearing on the subject, and that any conclusions would be resolved in the future by "higher authority in Washington".

On June 25, 1959 (Minute Item 26, page 4985), the Commission authorized the Executive Officer to transmit to the Secretary of Defense, to the Secretary of the Army, and to the Secretary of the Navy a request that proposed regulations pertaining to operations in the proposed closure area be withheld until the affected agencies of the State of California could establish the bases for a mutually satisfactory operating program with the Federal agencies designated by the respective secretaries. Accordingly, on July 10, 1959, the Executive Officer directed a letter to the Hon. Neil H. McElroy, Secretary of Defense, Washington, D.C., wherein this request was made known. Copies of this letter were also transmitted to the Hon. Wilber M. Brucker, Secretary of the Army, Washington, D.C.; and to the Hon. William B. Franke, Secretary of the Navy, Washington, D.C., by covering letters dated July 10, 1959.

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On July 31, 1959, the Hon. Cooper B. Benedict, Acting Assistant Secretary of Defense, replied to Governor Brown in reference to the State Lands Commission's letter of July 10, 1959, in part, as follows:

"It is important to emphasize that the imposition of a restrictive area offshore at these bases has not been made. The public notice issued by the Corps of Engineers at the request of the Department of the Navy was for the purpose of determining all possible parties of interest and the effects of such an order on their respective interests. In view of the fact that discussions towards mutual development of satisfactory adjustments would be necessary with all parties involved, it appears that such agreements can be developed to meet the needs of the Pacific Missile Range with the least impact on such parties of interest and without the necessity of the imposition of a restrictive area." (Underscoring added.)

On May 9, 1960, the U. S. Army Engineers District, Los Angeles, Corps of Engineers, issued a public notice regarding a revised application from the Commandant, Eleventh Naval District, San Diego, California, for the establishment of Danger Zones in the waters of the Pacific Ocean between Point Sal and the vicinity of Point Conception, Santa Barbara County. This notice also stated that all interested parties would be given full opportunity to be heard concerning the establishment of this Danger Zone, and that a public hearing on the matter would be held on June 8, 1960, in Los Angeles, California. Accordingly, on June 8, 1960, the Executive Officer again presented the views of the State Lands Commission relative to the establishment of the proposed Danger Zones, and once again recommended a realistic joint effort on the part of all agencies involved toward resolving plans that would permit multiple usage of the tide and submerged land areas. In this presentation the Executive Officer emphasized that the State might not be able to meet its defense and economic obligations if it could not provide reasonable bases for the exploration and development of petroleum reserves underlying tide and submerged lands, including those in the proposed danger areas, and, in conclusion, requested that any regulations under consideration be promulgated only after a mutually satisfactory program for appropriate multiple Federal-State usage of offshore tide and submerged lands had been established pursuant to intergovernment consideration of the interrelated operating problems.

On October 26, 1960, the U. S. Army Engineers District, Los Angeles, issued a public notice ~~advising that regulations had been prescribed establishing~~ and governing the use and navigation of a naval Danger Zone in the waters of the Pacific Ocean between Point Sal and the vicinity of Point Conception, Santa Barbara County, California. The notice states that the regulations shall be enforced by personnel attached to the Pacific Missile Range, Point Mugu, California, and the Naval Missile Facility, Point Arguello, California, and by such agencies as may be designated by the Commandant, Eleventh Naval District, San Diego, California. This public notice states that such regulations will be in full force and effect on November 11, 1960, and shall be in effect ~~for a period of 5 years from the date they are established unless~~ terminated by the Secretary of the Army at an earlier date. These rules and regulations were approved September 27, 1960, by the Hon. Wilber M. Brucker, Secretary of the Army, and were published in the Federal Register, Volume 25, Number 198, dated October 11, 1960.

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In informal conference with the office of the Attorney General, it was concluded that there is no basis for direct immediate action that could be taken by the State Lands Commission since it appears that the regulations as promulgated have met with all the regulatory and administrative requirements of Federal law. It has been suggested that a later modification of these regulations may be proposed if and when actual interference with petroleum exploratory and development work in the specific offshore area may be impeded.